Supreme Court, U. S.
FILED
OCT 5
MICHAEL RODAK, JR. CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1975

NO. 76-233

CITY OF DAYTON,

Respondent

VS.

WALTER OTTO,

Petitioner

REPLY BRIEF FOR PETITIONER

WALTER OTTO, Petitioner
1017 Linda Vista Avenue
Apartment 8
Dayton, Ohio 45405

REPLY BRIEF FOR PETITIONER

The Supreme Court of Ohio, in Case No. 76-314, after hearing, did decide the substance of federal questions there raised by Propositions of Law set forth in petitioner's brief, and here presented in the petition, in deciding no substantial constitutional question did exist in the appeal as of right.

The Court of Appeals of Montgomery County, Ohio, in Case No. 4933, carefully examined the arguments in support of each of the errors assigned: that the trial court (1) erred in the judgment and senttence and (2) erred for reasons apparent and manifest from the record. Those arguments, in the brief and reply brief of petitioner, did draw in question the validity of Section 806-31 of the Code of the City of Dayton, Ohio, on the ground of its being repugnant to the Constitution of the United States; and did specially set up or claim a right under the due process of law clause of Amendment 14 to the Constitution of the United States, involving the constitutionality of petitioner's conviction, judgment and sentence.

The questions presented for review in the petition involve issues litigated in the State courts, starting with the filing in the trial court of petitioner's Amended Complaint, upon which the trial court did rule, in Case No. 365144, Municipal Court of Dayton, Ohio, on June 5, 1975.

Accordingly, respondent's argument in its brief in opposition, that the decision

below did not involve federal questions below is without merit.

Respectfully submitted,

Walter Otto, Petitioner

AFFIDAVIT OF SERVICE

I, Walter Otto, the petitioner herein, do solemnly swear (or affirm) that three copies of this Reply Brief for Petitioner were served upon counsel for respondent, Edward M. Taylor, Jr., by delivery at his office to counsel or a clerk therein, at 609 Municipal Building, Dayton, Ohio 45401, this day, September ____, 1976.

Walter Otto, Petitioner
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